

Serial No. 09/816,941

Art Unit: 2871

REMARKS

Claims 1 – 9, 11 – 20, and 22 – 33 are pending in the application. Of these claims, 11 – 20, 22, 23 and 30 – 33 are withdrawn from consideration. Claims 10 and 21 were previously canceled.

On 24 APR 2004, Applicants filed an Information Disclosure Statement with a PTO-1449. The Office has not yet returned to Applicants a copy of the PTO-1449. Applicants respectfully request that with the next office communication, the Office provide a copy of the PTO-1449 acknowledging that references listed thereon have been considered by the Office.

The Advisory Action maintains a rejection of claims 1 – 14 and 24 – 27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over (a) several claims of U.S. Patent Application No. 09/816,942, and (b) several claims of U.S. Patent Application No. 09/815,999, now U.S. Patent No. 6,798,481. The Advisory Action also maintains a rejection of claims 1 – 14 and 24 – 29 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,917,570 to Bryan-Brown et al. (hereinafter "the Bryan-Brown et al. patent").

As mentioned above, on 23 NOV 2004, Applicants conducted a teleconference with Examiner Duong. Applicants thank Examiner Duong for making time for the teleconference.

During the teleconference, Applicants and Examiner Duong discussed the rejections, and agreed that:

- (i) Applicants would file terminal disclaimers to overcome the double patenting rejection;
- (ii) the pending claims are distinguishable over the Bryan-Brown et al. patent; and
- (iii) Applicants would file a Request for Continued Examination RCE.

Accordingly, with regard to the double patenting rejection, Applicants are submitting herewith a terminal disclaimer of U.S. Patent Application No. 09/816,942, and a terminal disclaimer of U.S. Patent No. 6,798,481. Withdrawal of the double patenting rejection is respectfully solicited.

Serial No. 09/816,941

Art Unit: 2871

With regard to the section 102(b) rejection, below, Applicants are summarizing a point that Applicants and Examiner Duong discussed during the teleconference.

Claim 1 provides for a liquid crystal device. The device includes, *inter alia*, a surface alignment structure that comprises a two-dimensional array of alignment posts ... to produce a desired alignment.

The final Office Action, on page 4, suggests that the Bryan-Brown et al. patent discloses the alignment posts of claim 1 in a passage at col. 2, lines 36 – 43. The passage at col. 2, lines 36 – 43 states:

The gratings may be formed of a photoresist material, or of a plastics material formed by embossing of eg [sic] polyolefin. The embossed material may also provide small pillars ... for assisting in correct spacing apart of the cell walls and also for a barrier to liquid crystal material flow when a cell is flexed. Alternatively the pillars may be formed by the material of the gratings (emphasis added).

The Bryan-Brown et al. patent does not provide any further description of the pillars. Nevertheless, the pillars disclosed by the Bryan-Brown et al. patent are not descriptive of the surface alignment structure of claim 1. More specifically, the Bryan-Brown et al. patent discloses small pillars for assisting in correct spacing apart of the cell walls and also for a barrier to liquid crystal material flow, but does not disclose the pillars as being a surface alignment structure that comprises a two-dimensional array of alignment posts ... to produce a desired alignment, as recited in claim 1. Hence, the Bryan-Brown et al. patent does not anticipate claim 1.

Claims 2 – 9, 11 – 14 and 24 – 29 depend from claim 1. By virtue of this dependence, claims 2 – 9, 11 – 14 and 24 – 29 are also novel over the Bryan-Brown et al. patent.

Claim 10 was previously canceled. As such, the rejection of claim 10 is rendered moot.

Serial No. 09/816,941

Art Unit: 2871

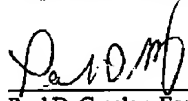
Applicants respectfully request reconsideration, and also request that, pursuant to the agreement reached during the teleconference, the Examiner withdraw the section 102(b) rejection of claims 1 – 14 and 24 – 29.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

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Date



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